

REMARKS/ARGUMENTS

Claims 1-20 are pending. The Office Action objects to claims 1-13 due to informalities, rejects claims 1, 6, 14, 18, and 20 under 35 U.S.C. §112, rejects claims 1-5 under 35 U.S.C. §103 as unpatentable over Kilpatrick (U.S. 6,742,124) in view of Chan (U.S. 6,697,844) and Duffey (U.S. Pub. 2004/0243501), and rejects claims 6-20 under §103 as unpatentable over Kilpatrick in view of Haigh (U.S. Pub. 2003/0004716), Chan, and Duffey. These rejections are respectfully traversed.

Claim Objections

The Office Action objects to claims 1-13 as being allegedly directed to non-statutory subject matter. Although Applicants disagree with the reasoning presented in the Office Action, the independent claims are amended to recite a “computer-implemented method” as suggested by the Examiner. Withdrawal of the objection is respectfully requested.

35 U.S.C. §112 Rejections

Claims 1, 6, 14, 18, and 20 stand rejected under §112, ¶ 2, due to use of the phrase “automating data entry, processing or reporting for a database.” Applicants respectfully disagree with the Office Action’s conclusion that this phrase is an “incomplete claim limitation.” However, solely to advance prosecution of the present application, these claims are amended to recite “automating at least one of data entry, processing, or reporting” and to re-order claim features for clarity. It is respectfully asserted that the amendments presented herein render the §112 rejections moot, and withdrawal of the rejections is respectfully requested.

35 U.S.C. §103 Rejections

To support a *prima facie* case of obviousness, the Examiner must demonstrate that each feature recited in the claims is found in the cited art, or provide explicit reasoning to support the finding that the features would be obvious to one of skill in the art at the time the invention was made. *See* M.P.E.P. §§ 2141, 2142. The Office Action asserts that each and every claimed

feature is found in at least one of the cited publications. As discussed in further detail below, Applicants respectfully disagree.

Claims 1-5

Independent claim 1 recites, *inter alia*,

calculating a Levenshtein matrix of a first string and a second string; and
determining a largest common substring **from said Levenshtein matrix**.

The Office Action admits that Kilpatrick fails to disclose determining a largest common substring, but asserts that such a feature is described by Chan. However, the claims require more than just determining a largest common substring. As previously described and argued, Chan merely discloses a separate and distinct method for calculating a largest common substring of two strings. Based on the cited publications, one of skill in the art would have no reason to replace Chan's largest common substring-calculation method with the recited determining a largest common substring **from a Levenshtein matrix**. In fact, neither reference even suggests that it is possible to determine a largest common substring from a Levenshtein matrix, and the Office Action provides no analysis to remedy this omission.

Applicants have previously pointed out this deficiency of the Office Action's proposed combination of Kilpatrick and Chan. (*See, e.g.*, May 12, 2008 Amendment, p. 10.) In response, the Office Action merely asserts that "calculating a Levenshtein matrix of two strings is well known in the art," and reiterates that Kilpatrick teaches calculating a Levenshtein matrix, and that Chan teaches a method for determining a largest common substring. This analysis fails to support a *prima facie* case of obviousness for at least two reasons.

First, even if true, the fact that calculating a Levenshtein matrix is well known simply does not suggest that one of skill in the art would have replaced a method for calculating a largest common substring, as described in Chan, with a completely different calculation based on a Levenshtein matrix. The Office Action provides no evidence or analysis to show why such a substitution would have been desirable, much less why one of skill in the art would have thought such a method was even possible. For at least this reason, the Office Action fails to show why the proposed combination renders the claimed features obviousness.

Further, an analysis provided to support a rejection under §103 must be made explicit. That is, an obviousness rejection cannot be sustained by mere conclusory statements; there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. M.P.E.P. §§ 2141, 2142 (citing *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006); obviousness." *KSR International Co. v. Teleflex Inc.*, 550 U.S. ___, 82 USPQ2d 1385 at 1396 (2007)) (emphasis added). Where an articulated reasoning to support the legal conclusion is not provided, the examiner fails to make a *prima facie* case of obviousness, and the applicant is under no obligation to produce evidence or argument in favor of patentability. M.P.E.P. §2142. However, the Office Action's analysis of this feature amounts to nothing more than a conclusory statement - the Office Action provides no reasoning to explain why one of skill in the art would use a Levenshtein matrix, which is used in Kilpatrick to determine the difference between two strings, to determine a largest common substring between two strings. The Office Action also fails to provide reasoning showing why one of skill in the art would further replace Chan's disclosed method for calculating a largest common substring with a method that uses a Levenshtein matrix. The Office Action merely asserts that Levenshtein matrices are well known, and that Chan calculates a largest common substring. No link between these allegations and the legal conclusion of obviousness has ever been provided. For at least this reason, the Office Action fails to support a *prima facie* case of obviousness, and the rejections should be withdrawn.

Claims 2-5 are allowable at least for the same reasons described with respect to claim 1, and are patentable for additional reasons. Withdrawal of the rejections is respectfully requested.

Claims 6-20

Independent claims 6 and 14 also recite determining a largest common substring from said Levenshtein matrix. The Office Action asserts that this feature is also disclosed by Haigh. Applicants respectfully disagree. As described above, the proposed combination of Kilpatrick and Chan fails to render obvious the feature of determining a largest common substring **from a Levenshtein matrix**.

Haigh also suffers from the same defect as described above with respect to Chan. Specifically, Haigh fails to suggest that one of skill in the art would seek to use a Levenshtein matrix, as described by Kilpatrick, to somehow determine a largest common substring. The Office Action also fails to provide any reasoning to explain why one of skill in the art would replace Haigh's method for determining a largest common substring with a completely different method based on a Levenshtein matrix. Therefore, the proposed combinations fail to render claims 6 and 14 obvious, and the Office Action fails to support a *prima facie* case of obviousness with respect to these claims.

Claims 7-13 and 15-20 are allowable at least for the same reasons as independent claims 6 and 14, and are patentable for additional reasons. Withdrawal of the rejections is respectfully requested.

Entry of this Amendment is Proper under 37 C.F.R. §1.116 and M.P.E.P. §714.13.

Applicants respectfully request that the Examiner amend the present application as set forth herein. This Amendment only addresses formal matters raised in a previous Office Action and/or places the application in better form for Appeal. Insofar as only formal matters are addressed, Applicants are entitled to entry of the Amendment as a matter of right under 37 C.F.R. §116(b)(1). In addition, the Amendment should only require a cursory review because the claim amendments presented herein do not add any new features and/or do not significantly alter the scope of the claims. Consequently, the claim amendments should not require any further search by the Examiner. This Amendment is necessary as it clarifies and/or narrows the issues for consideration by the Board and was not earlier presented because Applicant believed that the prior response(s) placed this application in condition for allowance, for at least the reasons set forth in those response(s). Accordingly, entry of the present Amendment, as an earnest attempt to advance prosecution and/or to reduce the number of issues, is requested under 37 C.F.R. §1.116.

Appl. No. 10/632,190
Amdt. dated November 3, 2008
Amendment under 37 CFR 1.116 Expedited Procedure
Examining Group 2164

PATENT
Attorney Docket No.: 021756-063100US
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CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 202-481-9900.

The Commissioner is authorized to charge any fees due or credit any overpayment to the deposit account of Townsend and Townsend and Crew LLP, Deposit Account No, 20-1430.

Respectfully submitted,

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